- The Columbia River Basin is one of North America's largest watersheds, covering approximately 260,000 square miles, including Idaho, Montana, Oregon, Washington, and a portion of British Columbia in Canada.
- The Basin provides environmental, economic, tribal and social benefits and is vital to many industries in the Pacific Northwest, including sport and commercial fisheries, agriculture, forestry, recreation, and electric power generation.
- Human activities have contributed to impaired water quality that impacts human health, and fish and wildlife species survival.
- EPA is currently engaged in three major efforts in the Columbia River Basin:
    - Implementation of the Columbia River Basin Restoration Act
    - Columbia River/Lower Snake River Mainstem Temperature Total Maximum Daily Load (TMDL)
    - Columbia River Federal Dam Clean Water Act NPDES Permits

Map of Columbia River Basin showing federal dams:

BACKGROUND AND MILESTONES:

Implementation of the Columbia River Basin Restoration Act

- The Columbia River Basin Restoration Act was stand-alone legislation, enacted in December 2016 that amended the Clean Water Act (CWA) to include Section 123, which directs EPA to:
    - Establish a Columbia River Basin Restoration Program to assess trends in water quality and collect and assess data to identify possible causes of environmental problems;
    - Provide grants for projects for specific purposes; and
    - Establish a voluntary Columbia River Basin Restoration (CRBRP) Working Group.
- In August 2018, the Government Accountability Office (GAO) finalized a report to the House Transportation and Infrastructure Committee, "Columbia River Basin: Additional Federal Efforts Would Benefit Restoration Efforts" which made three recommendations:
    - EPA should develop a program management plan that includes a schedule for EPA actions, and resource and funding needs to establish and implement the Columbia River Basin Restoration Program, including the formation of the associated Columbia River Basin Restoration Working Group;
    - OMB should develop and provide guidance on the types of projects and activities that involved federal agencies should include in their reports; and

    - OMB should direct federal agencies to collect information for OMB to compile an interagency cross-cut budget and submit it as part of the President's FY20 budget request.
- In July and September 2018, the EPA responded to GAO with a commitment to begin implementation of CWA Section 123 through the establishment of the Columbia River Basin Work Group and the development of a Program Management Plan. EPA provided a Program Management Plan to GAO in November 2019.
- EPA received $2.2M in appropriations ($1M in FY 2019 and $1.2M in FY 2020) to begin implementing CWA Section 123 and develop a voluntary competitive grant program. R10 and R8 made final selections for grant awards utilizing both FY 19 and FY 20 geographic program appropriations (~$2M in total awards). On September 16, 2020, the two EPA Regions announced 14 grants awarded to state, tribal and local governments; universities and NGOs in four states (ID, OR, WA and MT) throughout the Columbia River Basin, to provide toxics reduction and assessment actions.
- EPA Regions 8 and 10, in order to initiate the Working Group and launch the grant program, communicated and coordinated with the four States (ID, OR, WA and MT); 15 tribal governments including Yakama, Nez Perce, Umatilla, Warm Springs, Cowlitz, Grand Ronde, Colville, Spokane, Kalispel, Coeur d'Alene, Kootenai, Shoshone Bannock, Shoshone Paiute, Burns Paiute Tribe, and Salish Kootenai Tribes; and the specific entities identified in the Act including: local governments; industries; electric, water and wastewater utilities; private landowners; soil and water conservation districts; interested NGOs; and the general public. The Region 8 and Region 10 Administrators sent out formal Working Group invitations in September 2019, to leaders in these states, tribes and organizations. EPA convened the first CWA Section 123 Working Group meeting remotely on May 20, 2020, and the second on October 22, 2020.

Columbia River/Lower Snake River Mainstem Temperature Total Maximum Daily Load (TMDL)

- On December 20, 2019, the Ninth Circuit Court of Appeals issued an opinion affirming the U.S. District Court decision that EPA was required to act on the states' lack of submission of a TMDL for the Columbia and Lower Snake Rivers and issue a TMDL.
- Pursuant to a joint stipulation between the parties, the agency issued the TMDL on May 18, 2020. During the public comment period (May 21 - August 20, 2020), EPA received over 2,000 comments from federal, state and local governments, PUDs, industry, Tribal governments, non-governmental organizations (e.g., environmental groups, utility associations), and individual citizens.
- The TMDL is based on a scientific assessment of temperature impairments in the mainstem of the Columbia and Lower Snake Rivers. The TMDL establishes temperature targets along the length of the mainstem Columbia and Lower Snake Rivers and allocates temperature loads for NPDES-permitted point source dischargers, nonpoint sources including dams, and major tributaries to the Columbia River. The TMDL identifies incoming boundary conditions as well as climate change as significant sources of water quality impairments for temperature in the geographic scope of the TMDL.
- TMDL load allocations for non-point sources are not enforceable under the CWA.
- EPA has coordinated extensively with a variety of stakeholders on the issues surrounding the TMDL and is currently reviewing the comments.

Columbia River Federal Dam NPDES Permits

- In 2013, Columbia Riverkeeper filed a complaint against the U.S. Army Corps of Engineers (USACE) alleging the Columbia River and Lower Snake River dams were discharging oil and grease from point sources without NPDES permits. In 2014, the parties reached a settlement, including USACE's agreement to submit NPDES permit applications for outfalls with point source pollutant discharges. In January 2017, Columbia Riverkeeper reached the same settlement with the Bureau of Reclamation. In response to these settlement agreements between Columbia Riverkeeper, USACE, and the Bureau of Reclamation, EPA is processing NPDES permit applications for the federal dams with point source discharges of pollutants into Washington waters.
- The state line between Washington and Oregon is in the middle of the Columbia River, and jurisdiction for NPDES permitting in the river is divided between the two states. Oregon has jurisdiction to issue NPDES permits to federal facilities in Oregon and is writing permits for dam outfalls discharging into Oregon in the Lower Columbia River. The

EPA is the permitting authority for the federal facilities in Washington and Idaho and is writing permits for dam outfalls that discharge into Washington and Idaho.

- EPA issued for public notice and comment draft NPDES permits for 8 federal dams discharging to the Lower Columbia and Lower Snake Rivers with a public comment period that ended on May 4, 2020. On May 18, 2020, EPA issued a TMDL for temperature in the Columbia River, which includes wasteload allocations and load allocations for federal dams. NPDES permits must implement wasteload allocations from TMDLs.
- The State of Washington provided a 401 certification on the draft permits with several conditions including implementing load allocations in the permits and applying the 316(b) 2014 Rule. The State of Oregon objected to the draft permits under 401(a)(2), requested a public hearing, and included a condition to implement load allocations in permits among other conditions. The USACE has appealed Washington's 401 certifications, and the Pollution Control Hearings Board has scheduled a hearing for August 2021. Columbia Riverkeeper, National Resources Defense Council, and the Northwest Sportfishing Industry Association have filed as intervenors.

KEY EXTERNAL STAKEHOLDERS:

☐ Congress ☒ Industry ☒ States ☒ Tribes ☒ Media ☒ Other Federal Agency

☒ NGO ☒ Local Governments ☐ Other (name of stakeholder) _____

Describe here as needed

MOVING FORWARD:

- Columbia River Basin Restoration Program – In September 2020, EPA Regions 10 and 8 announced 14 grants in the inaugural CWA Section 123 grant program focused on toxics reduction through non-regulatory actions Throughout 2021, EPA will be providing technical assistance to CWA Section 123 grantees to help them develop successful projects through the EPA grant funding.
- Columbia River/Lower Snake River Mainstem Temperature TMDL - The EPA issued the TMDL on May 18, 2020, and invited public comment until August 20, 2020. After considering the 2,000+ comments received, EPA may evaluate a path forward and ultimately transmit the TMDL to the states of Washington and Oregon for incorporation into their current water quality management plans. Though the states of Washington and Oregon are responsible for implementation of the TMDL, the agency is committed to continue coordinating with its federal, state and tribal partners on efforts to reduce temperature impairments in the Columbia and Lower Snake Rivers.
- Columbia River Federal Dam NPDES Permits – EPA is evaluating public comments, 401 conditions, and TMDL requirements for the eight Lower Columbia and Lower Snake River federal dams. At a minimum, incorporating the TMDL waste load allocations into the NPDES permits will require EPA to re-issue revised draft permits for a limited public notice and comment. EPA is considering these factors prior to going out for public comment on the Grand Coulee Dam, Albeni Falls Dam, Dworshak Dam, and Chief Joseph Dam.

LEAD OFFICE/REGION: REGION 10 WATER DIVISION

OTHER KEY REGIONS: COLUMBIA RIVER BASIN RESTORATION ACT: REGION 8 WATER DIVISION